

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re: Methyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation

X  
Master File No. 1:00-1898  
MDL No. 1358 (SAS)  
(M21-88)

This Document Relates To:

NOTICE AND ORDER OF RULE  
41(a)(2) DISMISSAL OF  
DEFENDANT MERCURY FUEL  
SERVICES INC.

*American Distilling and Mfg. Co Inc. v.  
Amerada Hess Corp., 04 Civ. 1719*

*Our Lady of the Rosary Chapel v. Amerada  
Hess Corp., 04 Civ. 1718*

*Town of East Hampton v. Amerada Hess  
Corp., 04 Civ. 1720*

*United Water Connecticut, Inc. v. Amerada  
Hess Corp., 04 Civ. 1721*

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiffs in the above-captioned matters hereby move to dismiss without prejudice Mercury Fuel Services Inc. from the above referenced causes of action, with each party to bear its own costs. Plaintiffs reserve all other rights as against all other defendants.

Pursuant to the Court's directive at the October 30, 2008 Status Conference, any party opposing Plaintiffs' dismissal of Mercury Fuel Services Inc. shall have 14 days to file its objection. Plaintiffs respectfully move this Court for an Order dismissing Mercury Fuel Services Inc. without prejudice from each of the above causes of action pursuant to Federal Rule of Civil Procedure 41(a)(2), with each party to bear its own costs.

DATED: April 30th, 2009



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*Attorneys for Plaintiffs*

**SO ORDERED:**

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THE HONORABLE JUDGE SCHEINDLIN  
United States District Judge

Dated: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of April 2009, I filed the foregoing

**NOTICE AND ORDER OF RULE 41(a)(2)  
DISMISSAL OF DEFENDANT MERCURY FUEL SERVICES INC.**

electronically through the CM/ECF system of this Court, which causes the parties or counsel to be served by electronic means. In addition, the above document(s) was served via e-mail upon liaison counsel and via LexisNexis File & Service to all other counsel of record on the 30<sup>th</sup> day of April, 2009. A copy was provided to the Clerk, Seth Ard, via email, and the original and one copy were served via Federal Express to the Clerk of the Court.



Shelly Shetler  
SHELLY SHETLER